

## **REMARKS**

This communication is a full and timely response to the aforementioned final Office Action dated June 15, 2010. By this communication, claim 65 is added. Claims 1, 12, 14, 16, 17, 27, 28, 39, 41, 43, 44, 47, 48 and 51-57 are not amended and remain in the application. Thus, claims 1, 12, 14, 16, 17, 27, 28, 39, 41, 43, 44, 47, 48, 51-57 and 65 are pending in the application. Claims 1, 17, 28, 44, 48, 52, 54, 55 and 65 are independent.

Reconsideration of the application and withdrawal of the rejections of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

### **I. Request for Interview**

Applicants respectfully request an interview with the Examiner. Applicants respectfully submit that the claimed invention is patentable over the applied references. However, the Office continues to rely on the applied references. Applicants respectfully believe that an interview would be advantageous to advance the prosecution of the present application.

### **II. Response to Arguments**

Applicants thank the Examiner for presenting detailed remarks in the Continuation Sheet attached to the Advisory Action dated October 26, 2010. However, Applicants respectfully submit that the detailed remarks contained in the Continuation Sheet are largely a reproduction of the "Response to Arguments" section contained in the final Office Action. Applicants presented numerous arguments in the Response to Final Rejection filed on October 15, 2010 that were not addressed by the Office. Accordingly, Applicants respectfully request that the Office specifically address the arguments presented herein.

### **III. Rejections Under 35 U.S.C. § 102**

Claim 52 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Peacock (U.S. Patent No. 6,381,650). This rejection is respectfully traversed.

Claim 52 recites a method for a client computer to find a network address of a server computer. Accordingly, the steps of the method of claim 52 are performed by the client computer.

The method of claim 52 comprises performing a primary search procedure, which includes searching a local storage of the client computer system for the network address of the server computer.

In addition, the method of claim 52 comprises performing a backup search procedure if the network address of the server computer is not found using the primary search procedure. Claim 52 recites that the backup search procedure performed by the client computer includes searching a configuration record of the client computer system for the network address of the server computer.

With reference to Figure 1, Peacock discloses a system in which a personal workstation 110 can operate as a server for another computer 130. The workstation 110 is dynamically allocated an IP address by a computer server system 120, to enable the workstation 110 to function as a server for the computer 130. The workstation 110 includes a server program 117 which enables the workstation 110 to function as a server for the computer 130. The computer 130 includes a client program 137 which accesses the server program 117 running on the workstation 110 (see Column 3, lines 12-40). Peacock is concerned with enabling the client program 137 of the computer 130 to be able to know of the IP address assigned to the workstation 110 when desiring to access the server program 117 of the workstation 110, since the workstation 110 is dynamically allocated different IP addresses over time (see Column 3, lines 36-50).

In attempting to arrive at the features of claim 52, the Office alleged that the client program 137 and computer 130 of Peacock correspond to the client computer as recited in claim 52, and alleged that the server program 117 and workstation 110 of Peacock correspond to the server computer as recited in claim 52. However, the Office has misinterpreted and misapplied the disclosure of Peacock in attempting to arrive at the features of claim 52. In particular, the Office relied on functions performed by the server program 117 of the workstation 110 of Peacock in attempting to arrive at the features of the client computer as recited in claim 52, despite alleging that the server program 117 and workstation 110 of Peacock correspond to the server computer as recited in claim 52. The Office's

misinterpretation and misapplication of the disclosure of Peacock is summarized below with reference to the *actual* disclosure of Peacock.

The server program 117 of the workstation 110 (the supposed "server computer") obtains the following three types of information from the workstation 110 during an initial synchronization: (1) a hostname, (2) a current IP address assigned to the workstation 110 by the server 120, and (3) a subnet mask for the workstation 110 (see Column 4, lines 4-37). Once the server program 117 obtains the initial server identification information (1)-(3) of the workstation 110 from the workstation 110, the client program 137 of the computer 130 (the supposed "client computer") is then initialized with this information so that the client program 137 of the computer 130 can thereafter locate the server program 117 of the workstation 110 even if the IP address of the workstation 110 is changed (see Column 4, lines 40-44).

To locate a server program 117 of a desired workstation 110, the client program first uses a previous IP address of the desired workstation 110. If a previous IP address is not available for the desired workstation 110, the client program 137 of the computer 130 then sends out an "Are you there?" message to the last known IP address of the desired workstation 110. The "Are you there?" message sent from the client program 137 of the computer 130 contains a hostname of the desired workstation 110, an IP address of the desired workstation 110, and a subnet mask of the desired workstation 110. If the server program 117 of the desired workstation 110 responds, the client program 137 of the computer 130 may directly access the server program 117 using the last known IP address of the desired workstation 110 (see Column 4, line 58 to Column 5, line 19, and steps 305, 310 and 315 in Figure 3a).

However, if there is no response to the "Are you there?" message from the server program 117 of the desired workstation 110, then the client program 137 sends out a subnet-directed broadcast "Are you there?" message to the subnet where the desired workstation 110 last resided. If the desired workstation 110 receives the directed broadcast message, the server program 117 of the desired workstation 110 responds with the current IP address of the desired workstation 110 such that the client program 137 can access the desired workstation 110 (see Column 5, lines 39-63, and steps 320, 325 and 330 in Figure 3a). On the other hand, if no response to the directed broadcast is received from the desired

workstation 110, the client program 137 of the computer 130 will then send directed broadcast messages to other similar subnets in order to locate the desired workstation 110 (see Column 5, line 66 to Column 6, line 17, and steps 340, 345 and 350 in Figure 3b).

The above-described operations of Peacock are applicable only if the desired workstation 110 remains in the same network or subnet in which it was located at the time it was previously assigned an IP address. In particular, Peacock expressly discloses that "the embodiment of the previous section will not be able to locate the server program [117] if the workstation [110] has been moved to [a] new network since only the previous subnet and nearby subnets are polled" (see Column 6, lines 44-48). If the desired workstation 110 is moved to a different network or subnet, Peacock discloses an entirely different configuration of the desired workstation 110 performing "address forwarding" so that the client program 137 of the computer 130 can locate the server program 117 of the desired workstation 110.

Accordingly, Peacock expressly discloses that the "address forwarding" operation of the workstation 110 (see Figures 6a and 6b) is a mutually exclusive operation from the "Are you there?" messaging and "Are you there?" subnet-directed broadcasting messaging operations (see Figure 3a and 3b). *Despite this express disclosure of mutual exclusivity*, the Office has improperly combined the "Are you there?" operations in Figure 3a and 3b of Peacock with the "address forwarding" operations in Figures 6a and 6b of Peacock in alleging that the features of claim 52 are "anticipated" by Peacock. The Office, however, did not provide any rationale for combining directly contradictory embodiments of Peacock in attempting to arrive at the subject matter of claim 52.

In order to anticipate a claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Furthermore, it is well-settled that the identical invention must be shown in as complete detail as contained in the claim. *See Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP 2131. In addition, it is well-settled that the elements must be arranged in the single prior art reference as required by the claimed invention. *See In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990); *Brown v. 3M*, 60 USPQ2d 1375 (Fed. Cir. 2001); MPEP 2131.

Accordingly, anticipation under § 102 can be found only if a reference shows exactly what is claimed, in as complete detail as contained in the claim, and in the same arrangement as contained in the claim. See *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985).

Despite these well-settled provisions, the Office has improperly combined the "Are you there?" messaging and "Are you there?" subnet-directed broadcasting messaging operations (see Figure 3a and 3b) of Peacock with the mutually exclusive "address forwarding" operation of the workstation 110 (see Figures 6a and 6b) in alleging that claim 52 is anticipated. For instance, in striving to arrive at the feature of performing a backup search procedure, as recited in claim 52, the Office alleged that this feature is met by components of the "Are you there?" operations in Figure 3a and 3b of Peacock with the "address forwarding" operations in Figures 6a and 6b of Peacock, despite the express disclosure in Peacock that these operations cannot be used in combination (see Column 6, lines 44-48).

On this basis alone, the Office's assertion that Peacock "anticipates" the features of claim 52 is erroneous and contrary to well-settled principles of law, since Peacock does not disclose exactly what is claimed, in as complete detail as contained in the claim, and in the same arrangement as contained in the claim. *Titanium Metals Corp., infra*. Accordingly, on this basis alone, the anticipation rejection of claim 52 is clearly erroneous.

In addition, the Office mischaracterized and misapplied the teachings of Peacock in attempting to arrive at the features of performing a backup search procedure, as recited in claim 52.

The method of claim 52 comprises performing a backup search procedure if the network address of the server computer is not found using the primary search procedure. Claim 52 recites that the backup search procedure performed by the client computer includes searching a configuration record of the client computer system for the network address of the server computer.

Accordingly, claim 52 recites that the client computer, in performing the backup search procedure, searches a configuration record of the client computer. Despite this recitation, the Office is relying on features of the workstation 110, i.e., the supposed "server computer" in Peacock, in attempting to arrive at the features of performing a backup search procedure, as recited in claim 52.

However, *Peacock's* forwarding address file is used by server program 117 of workstation 110 to look a for hostname in response to a "Are you there?" packet from client program 137 of computer 130. (see Column 7, lines 39-49, and step 680 in Figure 6b). The forwarding address file is stored in the workstation 110 (see Column 7, lines 18-28). Accordingly, the forwarding address file cannot be considered "a configuration record" of the client program 137 or the client computer 130 of *Peacock*, since neither the client program 137 nor the client computer 130 of *Peacock* store or otherwise search the forwarding address file.

Even if the Office considers that the server 120 of *Peacock* (see Figure 1) stores the forwarding address file, the forwarding address file is not stored in the client computer 130 or stored by the client program 137 of the client computer 130. It is antithetical to the principles of anticipation under 35 U.S.C. § 102 to assert that the client computer of claim 52 corresponds to the client computer 130 of *Peacock*, and yet then contradictorily assert that the client computer of claim 52 corresponds to the server 120 of *Peacock*.

Accordingly, in addition to combining mutually exclusive embodiments of *Peacock* in attempting to arrive at the features of claim 52, the Office has mischaracterized and misapplied the disclosure of *Peacock*, because at no point does *Peacock* disclose or suggest that the client program 137 or the client computer 130 performs a backup search procedure of searching a configuration record of the client computer system for the network address of the server computer, as recited in claim 52.

Therefore, Applicants respectfully submit that claim 52 is patentable over *Peacock*, since *Peacock* fails to disclose or suggest all the recited features of claim 53.

#### **IV. Rejections Under 35 U.S.C. § 103(a)**

##### **A. Claims 1, 12, 17, 28, 39, 44, 48 and 53**

Claims 1, 12, 17, 28, 39, 44, 48, 53 and 54 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Peacock* in view of *Pitsos* (U.S. Patent Publication No. 2006/0168445). This rejection is respectfully traversed. Furthermore, Applicants respectfully submit that this rejection is inapplicable to new claim 65.

The proposed combination of Peacock and Pitsos cannot support a rejection of claim 1 under § 103(a), because these references, either individually or in combination, do not establish, *inter alia*, that all the elements recited in the claimed invention were known in the prior art. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395 (U.S. 2007); MPEP § 2143.02.

Claim 1 recites a method for a client computer to find a network address of a password sever computer having a public key. Accordingly, the steps of the method of claim 1 are performed by the client computer.

The method of claim 1 comprises searching for a network address of the server computer using a backup search procedure if the address of the server computer cannot be identified using a primary search procedure. In addition, claim 1 recites that the public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer.

The Office alleges that Peacock discloses the feature of a public key identifying a plurality of server computers having different network addresses. This assertion is not supportable, and is contrary to the actual disclosure of Peacock.

Peacock discloses that in the event the desired workstation 110 has moved to a different network or subnet than the network or subnet at which it was located when assigned its previous IP address, the sever program 117 of the workstation 110 first determines the current IP address of the workstation 110. If the current IP address is from a different network or subnet than the previous IP address, the sever program 117 of the workstation 110 then sends a directed broadcast "forwarding address" packet to the subnet of the previous IP address (see Column 6, line 56 to Column 7, line 6). Peacock discloses that the "forwarding address" packet sent from the sever program 117 of the workstation 110 "includes the hostname of the workstation [110] that the server program [117] is on and the new IP address of the workstation [110]" (see Column 6, line 66 to Column 7, line 2).

Based on this disclosure, the Office attempted to correspond the disclosure of Peacock to the features of claim 1, by alleging that "[s]ince the different networks have the different IP address from the previous IP address, it clearly stated sever

computers have different network address" (see lines 6-8 on page 3 of the Office Action).

It is unclear how the concept of one or more sever computers being allocated different network addresses can, in any way, correspond to the feature of a public key of a password sever identifying a plurality of sever computers having different network addresses, as recited in claim 1. The "forwarding address" of Peacock, which the Office believes to correspond to the "public key" of claim 1, however, does not in any way identify any other network address of any other computer. On the contrary, Peacock discloses that the "forwarding address" packet sent from the sever program 117 of the workstation 110 "includes the hostname of the workstation [110] that the server program [117] is on and the new IP address of the workstation [110]" (see Column 6, line 66 to Column 7, line 2). At no point does Peacock disclose, suggest or even remotely contemplate that the "forwarding address" sent by the server program 117 of one workstation 110 (i.e., sever) identifies the network address of any other sever. This interpretation is not even remotely supported by the disclosure of Peacock.

Furthermore, the Office is mischaracterizing the "forwarding address" of Peacock as somehow corresponding to the "public key" as recited in claim 1. The term "public key" is known in the art as a component corresponding to a private key in cryptography (see, for example, paragraph [0017] spanning pages 6 and 7 of the original specification). From a definitional standpoint, the "forwarding address" sent by the server program 117 of the workstation 110 does not, in any way, correspond to a "public key" as known in the art.

While the Office is afforded the broadest reasonable interpretation of a feature recited in a claim, the broadest reasonable interpretation of the claimed feature must be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999); MPEP 2111.

At no point does Peacock disclose, suggest or even remotely contemplate that the "forwarding address" sent by the server computer 117 of the workstation 110 has any relationship to cryptography. On the contrary, Peacock merely discloses that the forwarding address includes the hostname of the workstation 110 that the server program 117 is on and the new IP address of the workstation 110. In other



words, the "forwarding address" is akin to a notification sent by a person to his or her friends and relatives when that person has moved to a new home. There is no relationship whatsoever between the "forwarding address" sent by the server program 117 of the workstation 110 to any other type of information possessed by the server 120, the client computer 130 or another workstation 110 that is matched to the "forwarding address" of Peacock, in contrast to a public key that is matched to a private key, as known in the art.

Accordingly, not only does Peacock fail to disclose or suggest the feature of a sever computer having a public key that identifies a plurality of server computers having different network addresses, but the Office has improperly construed the "forwarding address" of Peacock as somehow corresponding to a "public key". As noted above, the broadest reasonable interpretation of a claimed feature must be consistent with the interpretation that those skilled in the art would reach. Since the "forwarding address" has no relationship to cryptography, as the term "public key" is known in the art, then the "forwarding address" cannot reasonably be interpreted to correspond to a "public key" as recited in claim 1.

As acknowledged by the Office, Pitsos does not disclose or suggest the feature of a public key identifying a plurality of server computers having different network address.

Accordingly, Peacock and Pitsos, either individually or in combination, do not disclose or suggest the feature of "searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer," as recited in claim 1. Therefore, claim 1 is patentable over Peacock and Pitsos, since Peacock and Pitsos fail to disclose or suggest all the recited features of claim 1.

Independent claims 17, 28, 44 and 48, although of different scope than claim 1, recite features similar to those of claim 1 which, as described above, are not disclosed or suggested by Peacock or Pitsos. Accordingly, claims 17, 28, 44, and 48 are allowable over the proposed combination of Peacock and Pitsos for reasons similar to those presented above with respect to claim 1. Dependent claims 12 and

39 are also allowable over the proposed combination of Peacock and Pitsos at least due to their respective dependence from claims 1 and 28.

Claim 53 depends from claim 52. Claim 52 is allowable for the reasons set forth above. Accordingly, claim 53 is allowable at least due to its dependence from claim 52.

New claim 65 recites that the public key is an identifier of the server computer, and that the public key is shared by a plurality of server computers each respectively having different network addresses from each other. In addition, claim 65 recites that the backup search procedure searches for the network address of the server computer using the public key as an index to identify the server computer.

As noted above, in striving to arrive at the subject matter of claim 1, the Office alleged that the operation in Peacock of the server program 117 of the workstation 110 transmitting a "forward address" to a requesting client computer somehow corresponds to the public key as recited in claim 1. If the Office equates the "forward address" message transmitted by the server program 117 of the workstation 110, which is supposed to correspond to the "server computer" of the claimed invention, then the "forward address" clearly cannot correspond to the public key as recited in claim 65, since each workstation 110 is dynamically allocated a unique address. Therefore, the "forward address" of Peacock cannot correspond to the public key as recited in claim 65, since claim 65 recites that the public key is shared by a plurality of server computers each respectively having different network addresses from each other. If the unique network address allocated to the server program 117 is supposed to correspond to the public key of the claimed invention, then Peacock clearly does not disclose or suggest that the server programs 117 of multiple workstations 110 share the same network address.

Therefore, Applicants respectfully submit that Peacock does not disclose or suggest that the public key is an identifier of the server computer, and that the public key is shared by a plurality of server computers each respectively having different network addresses from each other, as recited in claim 65. Pitsos also fails to disclose or suggest these features of claim 65. Consequently, Applicants respectfully submit that claim 65 is also patentable over Peacock and Pitsos.

## **B. Claim 54**

The Office acknowledges that Peacock fails to disclose or suggest a "backup search procedure searching an authentication record for the network address of the server computer," as recited in claim 54. Pitsos fails to cure this deficiency.

The Office cites paragraph [0043] of Pitsos for allegedly disclosing the above-described feature of claim 54. Specifically, the Office quotes Pitsos' disclosure of "[A] cryptographic unit 26 performs any required encryption, decryption, signature, signature verification or authentication process" (see page 12 of Office Action, quoting paragraph [0043] of Pitsos). However, neither paragraph 0043 nor any other part of Pitsos says anything about a client computer "searching an authentication record for the network address of the server computer," as recited in claim 54. It appears as if the Office located the term "authentication" in paragraph [0043] of Pitsos and, based on the inclusion of the term, alleged that it can somehow provide a motivation for the client computer 130 of Peacock searching an authentication record. However, this interpretation is not supportable.

Even if Pitsos is combined with Peacock in an attempt to arrive at the claimed invention, the proposed combination would merely result in the client program 137 of the client computer 130 of Peacock encrypting or decrypting communications between the client computer 130 and the workstation 110. This has no relationship to the client program 137 of the client computer 130 "searching an authentication record for the network address of the sever computer," as recited in claim 54.

If the Office desires to maintain its unsupportable interpretation, the Office is respectfully requested to identify with specificity where in Pitsos the feature of *searching* an authentication record for a network address of a server computer can be found. If, on the other hand, the Office intends to modify Peacock with Pitsos merely because paragraph [0043] of Pitsos contains the term "authentication," Applicants respectfully request the Office to advise Applicants of such an interpretation. It is noted that in the Amendment filed on March 10, 2010, Applicants respectfully requested the Office to indicate with specificity how it was interpreting Pitsos as disclosing a feature which it does not, but the Office did not respond to Applicants request for further information.

Applicants respectfully submit that Peacock and Pitsos both fail to disclose or suggest the feature of a client computer performing a backup search procedure of

searching an authentication record for the network address of a server computer, as recited in claim 54.

Accordingly, Applicants respectfully submit that claim 54 is patentable over Peacock and Pitsos, since Peacock and Pitsos, either individually or in combination, fail to disclose or suggest all the recited features of claim 54.

**C. Claims 14, 16, 27, 41, 43, 47 and 51**

Dependent claims 14, 16, 27, 41, 43, 47 and 51 under 35 U.S.C. §103(a) as allegedly being unpatentable over Peacock in view of Pitsos and in further view of Lim et al. (U.S. Patent No. 6,014,660, hereinafter "Lim"). As discussed above with regard to claim 1, Peacock and Pitsos do not disclose or suggest, "searching for a network address of a server computer using a backup search procedure ... wherein: [a] public key is an identifier of the server computer, the public key identifies a plurality of server computers having different network addresses, and the backup search procedure searches for the server computer using the public key to identify the server computer." Similar features are recited in independent claims 17, 28, 44, and 48. Accordingly, Peacock and Pitsos also fail to disclose the same features of claims 14, 16, 27, 41, 43, 47 and 51, due to their corresponding dependence from claims 1, 17, 28, 44, and 48.

Lim discloses a system for performing DNS translations including a DNS server system 102, a client system 202, and a special DNS server system 302 (see Figure 1). However, similar to Peacock and Pitsos, Lim does not disclose the above-noted features of claims 1, 17, 28, 44, and 48, and the Office does not rely on Lim for any such disclosure or suggestion.

Since Peacock, Pitsos and Lim each fail to disclose or suggest the above-described features of claims 1, 17, 28, 44, and 48, the proposed combination of references cannot support a rejection of 14, 16, 27, 41, 43, 47 and 51 under § 103. Claims 14, 16, 27, 41, 43, 47 and 51 are, therefore, allowable over the proposed combination of Peacock, Pitsos and Lim.

**D. Claims 55 and 56**

Claims 55 and 56 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Peacock in view of Kulkarni et al. (U.S. Patent Publication No. 2003/0182433, hereinafter "Kulkarni"). This rejection is respectfully traversed.

Claim 55 recites, *inter alia*, a "backup search determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of [a] server computer" The Office acknowledges that Peacock does not disclose or suggest this feature, and applied Kulkarni in an attempt to arrive at this feature.

Kulkarni discloses a system for processing a registration request from a mobile node 402 with a foreign agent 404. The Office cites paragraph [0042] of Kulkarni for its disclosure of a "loopback address" (see pages 3 and 16 of the Office Action). As disclosed in paragraph [0042], when foreign agent 404 receives the registration request, the foreign agent 404 forwards the request to a virtual home agent address. The registration request specifies the IP source address as the IP address of the foreign agent 404 and the destination IP address as the virtual home agent address. The home agent address may be implemented in a variety of ways, such as through the use of a loopback address.

The Office appears to have interpreted Kulkarni as disclosing the use of a loopback address to determine the address of a server. Even assuming, *arguendo*, that this interpretation was supportable, the mere disclosure of a loopback address cannot be considered to disclose or suggest determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running, as recited in claim 55.

On the contrary, paragraph [0042] discloses that the registration request intends to specify the IP source address of the IP address of the foreign agent and the destination address as the virtual home agent address. There is no disclosure in this portion of Kulkarni, or any other portion of Kulkarni for that matter, to support the interpretation on page 3 of the Office Action that a network administrator would use a loopback address to show whether a ping result indicates that is from a local machine. On the contrary, the main home address (main HA) is a separate and distinct device from the subsidiary home agents. Therefore, a registration request for a subsidiary home agent would not, in any way, involve a determination of

whether the main HA is operating on the same CPU on which the subsidiary home agent is running, because the main HA serves to function as an intermediary between the foreign agent and the subsidiary home agent. Applicants respectfully request the Office to please identify with specificity where its interpretation of Kulkarni on page 3 of the Office Action is derived from, because this interpretation is not supported by the *actual* disclosure of Kulkarni.

At no point does Kulkarni disclose, suggest or contemplate the feature of a client computer performing a backup search to determine whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of the server computer, as recited in claim 55.

Accordingly, Kulkarni cannot cure the deficiencies of Peacock for failing to disclose or suggest all the recited features of claim 55. Therefore, Applicants respectfully submit that claim 55 is patentable over Peacock and Kulkarni, since Peacock and Kulkarni, either individually or in combination, do not disclose or suggest all the recited features of claim 55. Claim 56 is allowable at least due to its dependence from claim 55.

Dependent claim 57 was rejected under 35 U.S.C. §103(a) as allegedly not being patentable over Peacock in view of Kulkarni and further in view of Fraser (U.S. Patent No. 5,434,914). Claim 57 depends from claim 55 and, therefore, includes all the features of claim 55. Peacock and Kulkarni do not disclose or suggest all the recited features of claim 55, for at least the reasons set forth above. Accordingly, these references also cannot arrive at the features of claim 57.

Similar to Peacock and Kulkarni, Fraser does not disclose or suggest a "backup search determining whether the server computer is running on a CPU that is the same CPU on which the client computer is running in order to determine the network address of [a] server computer," as recited claim 55. The Office does not assert that Fraser makes any such disclosure or suggestion. Accordingly, the purported combination of Peacock, Kulkarni and Fraser fails to disclose or suggest the claimed "backup search procedure" of claim 57. Thus, claim 57 is also allowable.

**V. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. Accordingly, a favorable examination and consideration of the instant application are respectfully requested.

If, after reviewing this Amendment, the Examiner believes there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 14, 2010

By: /Jonathan R Bowser/  
Jonathan R. Bowser  
Registration No. 54,574

Customer No. 21839  
703 836 6620